

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:04-CR-00034-F-1
No. 5:16-CV-00372-F

TONY McMANNON LEWIS,
)
)
Petitioner,
)
)
v.
)
UNITED STATES OF AMERICA,
)
Respondent.
)

ORDER

This matter is before the court on Tony McMannon Lewis's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-22]. Having examined Lewis's motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing Section 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion, within **forty (40)** days of the filing of this order.

Lewis asserts a challenge based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and he previously qualified for appointed counsel. Therefore, pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015), the Office of the Federal Public Defender is appointed to represent Lewis to determine if he may qualify for post-conviction relief.

SO ORDERED.

This 14th day of June, 2016.

James C. Fox
JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE